

**NOTICE OF INTENT TO POST A RULE OF THE STATE ELECTIONS BOARD,
CHAPTER 183-1-14, RULES OF STATE ELECTION BOARD, RULE 183-1-14-.02
ADVANCE VOTING, RULE 183-1-14-.11 MAILING AND ISSUANCE OF
BALLOTS, RULE 183-1-14-.12 ELIGIBILITY OF APPLICATION FOR
ABSENTEE BALLOT, 183-1-14-.13 PROMPT NOTIFICATION OF ABSENTEE
BALLOT REJECTION AND NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Election Board, (hereinafter "SEB") proposes to post an SEB rule, Rule 183-1-14-.02 *Advanced Voting*, Rule 183-1-14-.11 *Mailing and Issuance of Ballots*, Rule 183-1-14-.12 *Eligibility of Application for Absentee Ballot*, Rule 183-1-14-.13 *Prompt Notification of Absentee Ballot Rejection* (hereinafter "proposed rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed rule, is being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official state holidays, at the Office of the Secretary of State, Elections Division, 2 Martin Luther King Jr. Drive, S.E., 8th Floor West Tower, Atlanta, Georgia 30334. These documents will also be available for review on the State Election Board's web page at https://sos.ga.gov/index.php/elections/state_election_board. Copies may also be requested by contacting the Elections Division at 404-656-2871.

To provide the public an opportunity to comment upon and provide input into the proposed rule amendment, a public hearing will be held on:

January 22, 2020
9:00 a.m.
2 Martin Luther King Jr. Dr. SE
18th Floor, West Tower
Room 1816
Atlanta, GA 30334

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Oral statements should be concise and will be limited to 3 minutes per person. Additional comments should be presented in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record on or before January 13, 2020 to the below address for written comments. Written comments must be received on or before January 13, 2020 and be addressed to Jasmine Shannon by mail to Office of the Secretary of State, Elections Division, 2 Martin Luther King Jr. Drive, S.E., 8th Floor West Tower, Atlanta, Georgia 30334 or by email to jshannon@sos.ga.gov.

The State Election Board will consider the proposed rule at a meeting scheduled to begin at 9:00 a.m. on January 22, 2020 at 2 MLK Jr. Dr. SE, 18th Floor, West Tower, Room 1816, Atlanta, Georgia 30334.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 19th day of December, 2019.

A handwritten signature in black ink, reading "Brad Raffensperger", written over a horizontal line.

Brad Raffensperger
Chairman, State Elections Board

Posted: December 19, 2019

**SYNOPSIS OF THE PROPOSED RULE OF THE
STATE ELECTIONS BOARD, CHAPTER 183-1-14, *RULES OF STATE
ELECTION BOARD*, RULE 183-1-14-.02 *ADVANCE VOTING*, RULE 183-1-14-.11
MAILING AND ISSUANCE OF BALLOTS, RULE 183-1-14-.12 *ELGIBILIGTY OF
APPLICATION FOR ABSENTEE BALLOT*, 183-1-14-.13 *PROMPT
NOTIFICATION OF ABSENTEE BALLOT REJECTION***

Purpose: The purpose of the rule is to revise the procedures for advance and absentee voting to be consistent with the requirements of the updated laws and new voting system.

Main Features: The main feature of the rule is to update the procedures for absentee voting to comply with Georgia law and to conform to the new components of the voting system. Rule 183-1-14-.02 is being revised to instruct election officials on how to conduct advance voting using the new voting equipment. Rule 183-1-14.11 is being revised to clarify the processes for mailing and issuing absentee and provisional ballots. Rule 183-1-14-.12 is being revised to advise persons or entities on how to properly format and process absentee ballot applications. Rule 183-1-14-.13 is being created to ensure that election officials promptly notify electors when their absentee ballots have been rejected.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS OF THE STATE ELECTION BOARD, CHAPTER 183-1-14,
RULES OF STATE ELECTION BOARD, RULE 183-1-14-.02 ADVANCE VOTING,
RULE 183-1-14-.11 MAILING AND ISSUANCE OF BALLOTS, RULE 183-1-14-.12
ELIGIBILITY OF APPLICATION FOR ABSENTEE BALLOT, RULE 183-1-14-.13
PROMPT NOTIFICATION OF ABSENTEE BALLOT REJECTION**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

RULE 183-1-14-.02 Advance Voting

(1) Counties and municipalities ~~are authorized to use DRE units~~ shall use electronic markers and ballot scanners for in-person absentee ~~balloting in accordance with the Georgia Election Code (O.C.G.A. Ch. 21-2) and these rules~~ voting during the advance voting period. As used in this rule, the term “registrar” or “registrars” ~~shall include~~ means a county board of registrars, a county board of elections and registration, a joint county-municipal board of elections and registration, a municipal absentee ballot clerk, a municipal registrar, ~~and~~ or the designee of ~~any~~ board of registrars, board of elections and registration, or joint county-municipal board of elections and registration. ~~The election superintendent and registrars shall by agreement determine the type of election equipment to be used in such election for in-person absentee voting and for absentee voting by mail or other legally appropriate means in which the ballot is sent or delivered to a voter for voting away from the office of the registrars.~~

(2) The registrar shall publish the times, dates, and locations of the availability of advance voting in their jurisdiction on a publicly accessible website, or if the registrar does not have a website, in a newspaper of general circulation or by posting in a prominent location in the county, no later than 7 days prior to the beginning of the advance voting period. Any additional advance voting locations added after that deadline shall be published as soon as possible. The registrar shall endeavor not to remove or alter any advance voting locations after they are published, but if emergency or unforeseen circumstances make such a change necessary, the registrar shall publish those changes as soon as possible.

(23) ~~DRE units~~ Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule 183-1-12-.028 prior to use in ~~absentee balloting~~ advance voting. Public notice of the time and place for such configuration and testing of the ~~DRE units~~ electronic ballot markers and ballot scanners to be used for ~~absentee balloting~~ advance voting shall be given in accordance with O.C.G.A. § 21-2-379.64 and 21-2-379.25 and Rule 183-1-12-.028 prior to such configuration and testing.

(34) The ~~DRE units~~ electronic ballot markers and ballot scanners to be used for ~~in-person absentee~~ advance voting shall be set up in a manner to assure the privacy of the

elector while casting his or her ballot while maintaining the security of such ~~units~~ components against tampering, damage, or other improper conduct. In addition, there shall be at least one ~~DRE-unit~~ electronic ballot marker configured for use by physically disabled electors- at each advance voting location.

(45) Voter access cards for use in ~~DRE-units~~ electronic ballot markers for ~~in-person absentee balloting~~ advance voting may be encoded by use of ~~ballot encoder devices, DRE units specifically and exclusively set up for that purpose, or by use of the VCPprogrammer software on appropriate computers.~~ an electronic poll book or other device approved by the Secretary of State. The registrar may also utilize the correct access code to manually bring up the correct ballot on the touchscreen.

(56) Each ~~DRE unit to be used for in-person absentee voting~~ shall be programmed so as to ~~permit the challenging of ballots in accordance with law and the removal of such ballots from the count if such challenges are sustained by the registrars.~~ Magnifying devices shall be available at advance voting locations to assist voters in reviewing their paper ballots.

(67) On the first day of the ~~absentee~~ advance voting period, prior to any votes being cast on ~~the DRE-units ballot scanners,~~ the registrars shall verify that the seals for each ~~DRE-unit~~ electronic ballot marker, ballot scanner, and ballot box ~~is are~~ intact and that there is no evidence or indication of any tampering with the seal or the ~~unit~~ component. The registrars shall verify that the number of the seal matches the number of the seal recorded for that ~~unit~~ component when such ~~unit~~ component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering with the seal or ~~unit~~ component, the ~~Secretary of State and the~~ election superintendent shall be immediately notified and such ~~unit~~ component shall not be used until such matters are resolved by agreement of the ~~Secretary of State, the~~ election superintendent, and the registrars. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the ~~DRE units voting system components~~ and to prevent interference with the duties of the registrars, ~~except that the public view shall not be obstructed.~~ The registrars and two witnesses sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall run a zero tape on each DRE-unit ballot scanner prior to the beginning of absentee advance voting on such units. those scanners, and ~~The registrars and the two witnesses shall sign the zero tape in the space provided. The registrars shall, without removing the tape from the unit, verify that all vote registers shown on the electronic ballot markers and ballot scanners all indicate zero counts prior to the opening of the polls. tape are set to zero and that there are no votes showing on the unit and shall sign the tape in the space provided. If the zero tape does not show that all zero votes registers are set to zero and that there are votes on the unit prior to the start of voting, the election superintendent shall be immediately notified and such unit component shall not be used until the unit component is cleared and the matter is resolved by agreement of the election superintendent and the registrars. After verifying and signing the zero tape, t~~ The registrars and the same two sworn witnesses who signed shall securely lock the tape

~~compartment leaving the zero tape in place on the unit and shall inspect and confirm that the ballot box associated with that scanner is empty and contains no ballots or other unauthorized matter, and configure the unit for voting. The registrars shall verify that the election counter on each DRE unit is set at zero fact in writing on a form to be developed by the Secretary of State. If the election counter is not set to zero, the election superintendent shall be immediately notified and such unit shall not be used until the election counter is set to zero and the matter is resolved by agreement of the election superintendent and the registrars. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent at the close of the advance voting period with the other paperwork from the voting location. The registrars shall verify that there is no unauthorized matter affixed to the DRE units or present in the cases electronic ballot markers, ballot scanners, or voting booths. The registrars shall affix a card of instructions for voting within each voting booth. Prior to voters entering the voting booth, the registrars may also distribute to such voters a card of instructions for voting on the DRE unit that has been approved or provided by the Secretary of State. Each DRE unit shall be clearly marked with a unique designation that is visible on the exterior of the unit.~~

(78) ~~If a DRE unit is to be used for the creation of voter access cards, such DRE unit shall be set up properly for such purpose and shall be used exclusively for such purpose and no other purpose during the absentee voting period. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the DRE unit and to prevent interference with the duties of the registrars, except that the public view shall not be obstructed. If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall run a zero tape on the DRE unit prior to creating any voter access cards on such unit. complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The registrars shall, without removing the tape from the unit, verify that all vote registers shown on the zero tape are set to zero and that there are no votes showing on the unit and shall sign the tape in the space provided. If the zero tape does not show that all vote registers are set to zero and that there are votes on the unit, the election superintendent shall be immediately notified and such unit shall not be used until the unit is cleared and the matter is resolved by agreement of the election superintendent and the registrars. After verifying and signing the zero tape, the registrars shall securely lock the tape compartment leaving the zero tape in place on the unit and shall configure the unit for the creation of voter access cards. The registrars shall verify that the election counter on the unit is set at zero. If the election counter is not set to zero, the election superintendent shall be immediately notified and such unit shall not be used until the election counter is set to zero and the matter is resolved by agreement of the election superintendent and the registrars. The registrars~~

shall make a notation of the election counter reading on the daily recap sheet. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule 183-1-12-.10(5).

(89) At the close of business voting each day during the absentee advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. ~~Each DRE unit used for in-person absentee voting shall then be turned off and closed.~~ The memory cards ~~(PCMCIA card)~~ shall remain in the unit ballot scanner at all times during the absentee balloting advance voting period until the polls close on the day of the primary, election, or runoff. Each ~~DRE unit~~ electronic ballot marker, ballot scanner, ballot box, electronic poll book, paper backup poll book, and voter access cards shall then be sealed and the seal number and the time of sealing shall be recorded on the daily recap sheet. Each DRE unit shall then be secured overnight. ~~In addition, all voter access cards shall be securedly stored overnight, and when not in use. If a DRE unit is used to program voter access cards, the registrars shall make a notation of the election counter number on the daily recap sheet. If such number is not zero, the registrars shall notify the Secretary of State immediately and shall ascertain the reason for the discrepancy and shall make a notation of such discrepancy and the reason for it on the daily recap sheet. Such DRE unit shall not be used for creation of voter access cards unless and until the unit is fully tested and reconfigured and the election counter reset at zero pursuant to procedures established by the Secretary of State. The DRE unit shall be turned off and secured for the night. If the room where advance voting is taking place cannot be locked and secured overnight in the reasonable judgment of the superintendent, the superintendent shall cause the voting system components to be stored in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, a licensed security guard, or a law enforcement official; or if, if the previously listed options are not feasible, in another manner that in the reasonable judgment of the superintendent secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.~~

(910) Each morning during the absentee balloting advance voting period prior to voting beginning, the registrars shall publicly verify the seal numbers on each DRE unit electronic ballot marker and ballot scanner to be used for absentee advance voting with the number of the seal recorded on the daily recap sheet from the previous day of

~~absentee advance~~ voting and shall verify that the seals ~~and DRE unit~~ do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the ~~DRE unit~~ electronic ballot markers and ballot scanners shall be ~~opened and~~ turned on. If the numbers do not match or there is evidence of tampering, the ~~Secretary of State~~ election superintendent shall be notified immediately and the ~~unit component~~ shall not be used until such discrepancy is resolved to the satisfaction of ~~the Secretary of State~~, the election superintendent, and the registrars. After ~~opening and~~ turning on the ~~unit~~ ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of ~~absentee advance~~ voting. If the numbers do not match, the ~~Secretary of State~~ election superintendent shall be immediately notified and the ~~unit component~~ shall not be used until such discrepancy is resolved to the satisfaction of ~~the Secretary of State~~, the election superintendent, and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day. ~~If a DRE unit is to be used for programming voter access cards, the registrars shall open and turn on the power for such unit. The registrars shall then verify that the election counter is set on zero. If the election counter is not set at zero, the Secretary of State shall be immediately notified and the unit shall not be used until such discrepancy is resolved to the satisfaction of the Secretary of State, the election superintendent, and the registrars. A notation shall be made on the daily recap sheet of the election counter number and the unit shall be configured to create voter access cards.~~

(110) Voters who vote absentee ballots in person ~~on the DRE units~~ shall first complete an absentee ballot application and sign an oath, ~~document which may be on the same form and may be on paper or digital.~~ After the registrars determine that the voter is eligible to vote ~~by absentee ballot~~, the registrars shall note the voter's registration number and ballot style on the absentee ballot application. Each voter shall be offered instruction by a registrar in the method of voting on the voting system, including specific instruction to review their printed ballot prior to scanning it. In providing such instruction, the registrar shall not in any manner request, suggest, or seek or persuade or induce any voter to vote any particular ticker or for any particular candidate, or for or against any particular question. The voter shall then be issued a voter access card programmed with the correct ballot style or the registrar shall use the correct access code to manually bring up the correct ballot on the electronic ballot marker. ~~The registrars shall record on the absentee voter log the voter's name, registration number, voter ID number, and designation of the DRE unit on which the voter shall vote.~~ The voter shall then be permitted to vote on the designated DRE unit. After completing voting, the voter shall ~~return the voter access card to the registrars.~~ enter the enclosed space in the advance voting location and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen unit, review the selections on his or her printed ballot, scan his or her printed ballot into the scanner, and return the voter access card to a poll worker.

(124) ~~At the close of business on the day before the primary, election, or runoff at the end of the absentee balloting period, the registrars shall record the election counter number on the daily recap sheet. The registrars shall publicly configure the DRE units~~

used for absentee voting to end the election and prevent further voting on the units. The units shall then be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The units shall then be secured until time for the tabulation of votes. For the DRE unit used for the creation of voter access cards, such unit shall be secured and returned to the election superintendent. Two zero tapes shall be printed and signed by the registrars confirming that all vote counters are set at zero. The memory card (PCMCIA cards) from the units used for the creation of voter access cards shall be removed from the units and placed along with the signed zero tapes in a sealed envelope which shall be returned to the election superintendent. cause each advance voting location to be sufficiently staffed and a poll worker is to be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer instruction throughout the period while voting is occurring reminding voters to review their printed paper ballots, but shall take all reasonable precautions not to view the selections on an elector's ballot unless it is required by assistance requested from the elector.

(132) ~~At the close of the polls on the day of the primary, election, or runoff, end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet, deliver all of the DRE units used for in-person absentee voting and all other absentee ballots received in accordance with the provisions of the Georgia Election Code (O.C.G.A. Ch. 21-2) to the manager of the absentee ballot precinct. The poll officers of the absentee ballot precinct shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The poll officers shall verify the seal number of each DRE unit with the number recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the Secretary of State, the election superintendent, and the manager of the absentee ballot precinct. After verifying the seal number and the integrity of the seal on each unit, the poll managers shall open each unit and turn on the power for the unit. The managers shall then compare the numbers shown on the election counters of the unit with the numbered list of absentee electors, the absentee voter log, and the absentee ballot precinct recap form to verify that there are no discrepancies. If there is a discrepancy, the Secretary of State shall be notified immediately and no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the Secretary of State, the election superintendent, and the manager of the absentee ballot precinct. The managers of the absentee ballot precinct shall accept or reject absentee ballots cast on DRE units as directed by the registrars, using the procedures established by the Secretary of State. After completion of the acceptance and rejection process for the absentee ballots cast on the DRE units, the poll manager shall cause each DRE unit to print a minimum of three tapes showing the vote totals as cast on that DRE unit. The poll manager and the assistant managers shall sign each of the tapes or shall write on the tapes the reason why the poll manager or the assistant managers will not sign the tapes. One copy of the results tape for each DRE unit shall be posted on the door of the absentee ballot precinct for the~~

information of the public. The memory card (PCMCIA card) and two signed tapes from each DRE unit shall be placed in the appropriate envelope supplied by the election superintendent which shall be sealed and initialed by the poll manager and at least one assistant manager such that the envelope cannot be opened without breaking such seal. After completing the printing of the results, the DRE units shall be turned off and secured in their cases and resealed. The DRE units shall then be placed in a secure area with appropriate climate control. The memory cards (PCMCIA cards), results tapes, voter access cards, supervisor's card, ballot encoder devices, numbered lists of absentee voters, absentee ballot precinct recap forms, and other such paperwork shall be transported to the office of the election superintendent by the poll manager and at least one other poll officer. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. The ballot scanners and ballot containers shall then be secured until time for the tabulation of votes.

(143) ~~Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.~~ By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

(15) After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purpose), provided by the election superintendent along with "poll worker" memory cards from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The envelope shall be initialed by the poll manager and the two witnesses indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the absentee ballot recap form.

(16) After completing the printing of the results, the ballot scanner shall be turned off, secured, and resealed. The ballot scanners shall then be placed in a secure area with appropriate climate control. The envelopes containing the memory cards and results tapes, voter access cards, poll worker cards, ballot encoder devices, numbered lists of absentee voters, absentee ballot recap forms, and other such paperwork shall be transported to the office of the election superintendent by the election superintendent or tabulating center personal, which transportation shall at all times involve at least two authorized individuals. The office of the election superintendent shall receive the materials and shall document delivery. The election superintendent or tabulating center personal who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with.

(17) Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.

Authority: O.C.G.A. §§ 21-2-31, 21-2-385

RULE 183-1-14-.11 Mailing and Issuance of Ballots

During early voting, as additional applicants for absentee ballots are determined to be eligible, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots or provisional absentee ballots, if appropriate, to such additional applicants immediately upon determining their eligibility. The board or clerk shall make such determination and mail or issue official absentee ballots; provisional absentee ballots, if appropriate, or notices of rejection of absentee ballot applications to such additional ~~eligible~~ applicants within 3 business days after receiving the absentee ballot applications.

Authority: O.C.G.A. §§ 21-2-31, O.C.G.A. § 21-2-384

RULE 183-1-14-.12 Eligibility of Application for Absentee Ballot

(1) The application for an absentee ballot shall be in writing and shall contain sufficient information for proper identification of the elector. To be deemed sufficient, an application for an absentee ballot must contain the signature of the applicant.

(a1)- In the case of the elector making such application for an absentee ballot, the application shall contain the signature of such elector.

(b2)- In the case of a relative making an application on behalf of an elector pursuant to O.C.G.A. § 21-2-381(a)(1)(B), the application shall contain the signature of the elector's relative as well as the relationship of the relative to the elector.

(2) Any person or entity, except an election superintendent or registrar, that creates an application for absentee ballot form for an elector, other than the elector themselves, shall ensure that the absentee ballot form is substantially in the same form as the application for absentee ballot form made available by the Secretary of State. Such person or entity shall also clearly disclose on the face of the application for absentee ballot form that they created the application for absentee ballot form. Any nonconforming application for absentee ballot shall still be processed if it meets the legal requirements of O.C.G.A. § 21-2-381(a).

Authority: O.C.G.A. §§ 21-2-31, O.C.G.A. § 21-2-381

RULE 183-1-14-.13 Prompt Notification of Absentee Ballot Rejection

When a timely submitted absentee ballot is rejected, the board of registrars or absentee ballot clerk shall notify the elector by mailing written notice no later than the close of business on the third business day after receiving the absentee ballot. However, for any timely submitted absentee ballot that is rejected after the close of the advance voting period, the board of registrars or absentee ballot clerk shall notify the elector by mailing written notice no later than 3:00 PM on the next business day. The board of registrars or absentee ballot clerk shall also attempt to notify the elector by email and telephone within the same time requirements if an email or telephone number is on the elector's voter registration record.

Authority: O.C.G.A. §§ 21-2-31, O.C.G.A § 21-2-386

COPY OF THE PROPOSED NEW RULE

RULE 183-1-14-.02 Advance Voting

(1) Counties and municipalities shall use electronic markers and ballot scanners for in-person absentee voting during the advance voting period. As used in this rule, the term “registrar” or “registrars” means a county board of registrars, a county board of elections and registration, a joint county-municipal board of elections and registration, a municipal absentee ballot clerk, a municipal registrar, or the designee of a board of registrars, board of elections and registration, or joint county-municipal board of elections and registration.

(2) The registrar shall publish the times, dates, and locations of the availability of advance voting in their jurisdiction on a publicly accessible website, or if the registrar does not have a website, in a newspaper of general circulation or by posting in a prominent location in the county, no later than 7 days prior to the beginning of the advance voting period. Any additional advance voting locations added after that deadline shall be published as soon as possible. The registrar shall endeavor not to remove or alter any advance voting locations after they are published, but if emergency or unforeseen circumstances make such a change necessary, the registrar shall publish those changes as soon as possible.

(3) Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule 183-1-12-.08 prior to use in advance voting. Public notice of the time and place for such configuration and testing of the electronic ballot markers and ballot scanners to be used for advance voting shall be given in accordance with O.C.G.A. § 21-2-374 and 21-2-379.25 and Rule 183-1-12-.08 prior to such configuration and testing.

(4) The electronic ballot markers and ballot scanners to be used for advance voting shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such components against tampering, damage, or other improper conduct. In addition, there shall be at least one electronic ballot marker configured for use by physically disabled electors, at each advance voting location.

(5) Voter access cards for use in electronic ballot markers for advance voting may be encoded by use of an electronic poll book or other device approved by the Secretary of State. The registrar may also utilize the correct access code to manually bring up the correct ballot on the touchscreen.

(6) Magnifying devices shall be available at advance voting locations to assist voters in reviewing their paper ballots.

(7) On the first day of the advance voting period, prior to any votes being cast on ballot scanners, the registrars shall verify that the seals for each electronic ballot marker, ballot scanner, and ballot box are intact and that there is no evidence or indication of any

tampering with the seal or the component. The registrars shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering with the seal or component, the election superintendent shall be immediately notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the registrars. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the registrars. The registrars and two witnesses sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall run a zero tape on each ballot scanner prior to the beginning of advance voting on those scanners, and the registrar and the two witnesses shall sign the zero tape in the space provided. The registrars shall verify that the electronic ballot markers and ballot scanners all indicate zero counts prior to the opening of the polls. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such component shall not be used until the component is cleared and the matter is resolved by agreement of the election superintendent and the registrars. The registrar and the same two sworn witnesses who signed the zero tape shall inspect and confirm that the ballot box associated with that scanner is empty and contains no ballots or other unauthorized matter, and shall verify that fact in writing on a form to be developed by the Secretary of State. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent at the close of the advance voting period with the other paperwork from the voting location. The registrars shall verify that there is no unauthorized matter affixed to the electronic ballot markers, ballot scanners, or voting booths. The registrars shall affix a card of instructions for voting within each voting booth. Prior to voters entering the voting booth, the registrars may also distribute to such voters a card of instructions for voting that has been approved or provided by the Secretary of State.

(8) If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were

unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule 183-1-12-.10(5).

(9) At the close of voting each day during the advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff. Each electronic ballot marker, ballot scanner, ballot box, electronic poll book, paper backup poll book, and voter access cards shall then be secured overnight. If the room where advance voting is taking place cannot be locked and secured overnight in the reasonable judgment of the superintendent, the superintendent shall cause the voting system components to be stored in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, a licensed security guard, or a law enforcement official; or if, if the previously listed options are not feasible, in another manner that in the reasonable judgment of the superintendent secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

(10) Each morning during the advance voting period prior to voting beginning, the registrars shall verify the seal numbers on each electronic ballot marker and ballot scanner to be used for advance voting with the number of the seal recorded on the daily recap sheet from the previous day of advance voting and shall verify that the seals do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the electronic ballot markers and ballot scanners shall be turned on. If the numbers do not match or there is evidence of tampering, the election superintendent shall be notified immediately and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. After turning on the ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of advance voting. If the numbers do not match, the election superintendent shall be immediately notified and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day.

(11) Voters who vote absentee ballots in person shall first complete an absentee ballot application and sign an oath, which may be on the same form and may be on paper or digital. After the registrars determine that the voter is eligible to vote, the registrars shall note the voter's registration number and ballot style on the absentee ballot application. Each voter shall be offered instruction by a registrar in the method of voting on the voting system, including specific instruction to review their printed ballot prior to scanning it. In providing such instruction, the registrar shall not in any manner request, suggest, or seek

or persuade or induce any voter to vote any particular ticket or for any particular candidate, or for or against any particular question. The voter shall then be issued a voter access card programmed with the correct ballot style or the registrar shall use the correct access code to manually bring up the correct ballot on the electronic ballot marker. The voter shall then enter the enclosed space in the advance voting location and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen unit, review the selections on his or her printed ballot, scan his or her printed ballot into the scanner, and return the voter access card to a poll worker.

(12) The registrars shall cause each advance voting location to be sufficiently staffed and a poll worker is to be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer instruction throughout the period while voting is occurring reminding voters to review their printed paper ballots.

(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. The ballot scanners and ballot containers shall then be secured until time for the tabulation of votes.

(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified

immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

(15) After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purpose), provided by the election superintendent along with "poll worker" memory cards from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The envelope shall be initialed by the poll manager and the two witnesses indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the absentee ballot recap form.

(16) After completing the printing of the results, the ballot scanner shall be turned off, secured, and resealed. The ballot scanners shall then be placed in a secure area with appropriate climate control. The envelopes containing the memory cards and results tapes, voter access cards, poll worker cards, ballot encoder devices, numbered lists of absentee voters, absentee ballot recap forms, and other such paperwork shall be transported to the office of the election superintendent by the election superintendent or tabulating center personnel, which transportation shall at all times involve at least two authorized individuals. The office of the election superintendent shall receive the materials and shall document delivery. The election superintendent or tabulating center personnel who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with.

(17) Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.

Authority: O.C.G.A. §§ 21-2-31, 21-2-385

RULE 183-1-14-.11 Mailing and Issuance of Ballots

During early voting, as additional applicants for absentee ballots are determined to be eligible, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots or provisional absentee ballots, if appropriate, to such additional applicants immediately upon determining their eligibility. The board or clerk shall make such determination and mail or issue official absentee ballots; provisional absentee ballots, if appropriate, or notices of rejection of absentee ballot applications to such additional applicants within 3 business days after receiving the absentee ballot applications.

Authority: O.C.G.A. §§ 21-2-31, O.C.G.A. § 21-2-384

RULE 183-1-14-.12 Eligibility of Application for Absentee Ballot

(1) The application for an absentee ballot shall be in writing and shall contain sufficient information for proper identification of the elector. To be deemed sufficient, an application for an absentee ballot must contain the signature of the applicant.

(a) In the case of the elector making such application for an absentee ballot, the application shall contain the signature of such elector.

(b) In the case of a relative making an application on behalf of an elector pursuant to O.C.G.A. § 21-2-381(a)(1)(B), the application shall contain the signature of the elector's relative as well as the relationship of the relative to the elector.

(2) Any person or entity, except an election superintendent or registrar, that creates an application for absentee ballot form for an elector, other than the elector themselves, shall ensure that the absentee ballot form is substantially in the same form as the application for absentee ballot form made available by the Secretary of State. Such person or entity shall also clearly disclose on the face of the application for absentee ballot form that they created the application for absentee ballot form. Any nonconforming application for absentee ballot shall still be processed if it meets the legal requirements of O.C.G.A. § 21-2-381(a).

Authority: O.C.G.A. §§ 21-2-31, 21-2-381

RULE 183-1-14-.13 Prompt Notification of Absentee Ballot Rejection

When a timely submitted absentee ballot is rejected, the board of registrars or absentee ballot clerk shall notify the elector by mailing written notice no later than the close of business on the third business day after receiving the absentee ballot. However, for any timely submitted absentee ballot that is rejected after the close of the advance voting period, the board of registrars or absentee ballot clerk shall notify the elector by mailing written notice no later than 3:00 PM on the next business day. The board of registrars or absentee ballot clerk shall also attempt to notify the elector by email and telephone within the same time requirements if an email or telephone number is on the elector's voter registration record.

Authority: O.C.G.A. §§ 21-2-31, 21-2-386